

## **REMARKS/ARGUMENT**

### **I. General Remarks and Disposition of the Claims**

Please consider the application in view of the following remarks. Applicants thank the Examiner for his careful consideration of this application.

Claims 1-59 are pending. Claim 33 has been withdrawn from consideration. Claims 1-32 and 34-59 are rejected. Claims 23 and 35 have been amended herein. Claims 88 and 89 are new.

All the above amendments are made in a good faith effort to advance the prosecution on the merits of this case. Antecedent basis for these amendments can be found throughout the specification. Applicants respectfully request that the above amendments be entered and further request reconsideration of the application in view of the amendments and the remarks contained herein.

### **II. Remarks Regarding the Information Disclosure Statement**

The Examiner has indicated in regards to the information disclosure statement submitted on March 16, 2004 that the following references were not submitted in their entirety: Venezuela Patents 52,882; 52,883; 53,935; and 53,936. Applicants have submitted with this response copies of the entire references and respectfully request that the Examiner consider these references.

Additionally, the Examiner indicated that with regards to the French Patent reference 2,787,441, an English translation was not provided. Applicants have submitted with this response an Information Disclosure Statement including related U.S. patent 6,645,288 of this reference, and thus, respectfully request that the Examiner consider the related U.S. reference.

Finally, the Examiner indicated that the abstract to the reference Zhu et al., was included, however, this reference was not listed on the Information Disclosure Statement. Applicants have submitted with this response an Information Disclosure Statement including this reference and respectfully request that the Examiner consider this reference.

### **III. Remarks Regarding Claim Objections**

The Examiner has objected to the claims because “[a] claim that depends from a dependent claim should not be separated by any claim that does not also depend from said dependent claim.” (Office Action at 4.) Applicants have cancelled claims 23 and 35 and added claims 88 and 89 accordingly, and respectfully request that the objections be withdrawn.

**IV. Rejection of Claims Under 35 U.S.C. § 102(e)**

Claims 1-7, 11-32, 34-38, 40, 41, and 43-59 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication 2004/0171499 to Ravi *et al.* (hereinafter “*Ravi*”). In order to form a basis for a § 102(e) rejection, the earlier patent or patent application must be “by another.” See 35 U.S.C. § 102(e). Submitted herewith is Applicants’ declaration under 37 C.F.R. § 1.132 showing that the relevant disclosure in *Ravi* is Applicants’ own work, and thus the invention disclosed therein is not “by another.” See MPEP § 716.10 (2004) (declaration from the applicant regarding the subject matter disclosed in a patent is sufficient to establish inventorship). Accordingly, Applicants respectfully submit that the 35 U.S.C. § 102(e) rejection of claims 1-7, 11-32, 34-38, 40, 41, and 43-59 based on *Ravi* has been overcome, and respectfully request the withdrawal of these rejections.

**V. Rejection of Claims Under 35 U.S.C. § 103(a)**

Claims 8-10, 39, and 42 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,256,936 to Johnson *et al.* (hereinafter “*Johnson*”) in view of *Ravi*. The present application and *Ravi* were, at the time the invention of present application was made, both owned by Halliburton Energy Services, Inc. As the present application was filed on or after November 29, 1999, a statement of common ownership, at the time the invention of the present application was made, is sufficient to remove prior art from the purview of 35 U.S.C. § 103(a) if that prior art would have been prior art only under 35 U.S.C. § 102(e). MPEP § 706.02(l). Accordingly, *Ravi* is no longer available as prior art under 103(a) in accordance with 35 U.S.C. § 103(c). Thus, Applicants respectfully submit that the 35 U.S.C. § 103(a) rejection against claims 8-10, 39, and 42 is no longer applicable, and that these claims should be allowed.

**VI. No Waiver**

All of Applicants’ arguments and amendments are without prejudice or disclaimer. Additionally, Applicants reserve the right to discuss additional distinctions from cited references in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner’s additional statements, such as, for example, any statements relating to what would be obvious to a person of ordinary skill in the art. The declaration under 37 C.F.R. 1.132 and statement of common ownership supplied by Applicants are sufficient to overcome the rejections.

**SUMMARY, PETITION FOR ONE MONTH EXTENSION OF TIME  
TO FILE THIS RESPONSE, AND TRANSMITTAL OF  
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

In light of the above amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections and objections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicants respectfully request, pursuant to 37 C.F.R. §§1.56, 1.97 and 1.98, that the art listed on the attached PTO-1449 form be considered and cited in the examination of the present patent application. As this patent application was filed after June 30, 2003, and in accordance with the U.S. Patent Office waiver of the requirement under 37 C.F.R. §1.98(a)(2)(i), copies of the cited U.S. patents are not enclosed.

Pursuant to 37 C.F.R. §§1.97(g) and (h), no representation is made that a search has been made, or that the cited documents are, or are considered to be, material to the patentability of the present application.

Pursuant to 37 C.F.R. §§1.17(p), as this Information Disclosure Statement is being filed after the mailing of a first Office Action in this case, Applicants respectfully request that the Commissioner accept this as a Petition Therefor, and further authorize the Commissioner to debit \$180.00 from Baker Botts L.L.P. Deposit Account No. 02-0383, Order No. 063718.0161.

Furthermore, Applicants hereby petition under the provisions of 37 C.F.R. § 1.136(a) for a one-month extension of time to file this Response. Applicants authorize the Commissioner to debit \$120.00 from Baker Botts L.L.P. Deposit Account No. 02-0383, Order Number 063718.0161 for this one month extension of time.

Applicants believe that no other fees are due in conjunction with the filing of this Response. However, should the Commissioner deem that any fees are due, including any fees for extensions of time, Applicants respectfully request that the Commissioner accept this as a Petition Therefor, and direct that any additional fees be charged to Baker Botts L.L.P. Deposit Account No. 02-0383, Order Number 063718.0161.

Respectfully submitted,

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